

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

REC'D 30 AUG 2005

PCT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P-10294	FOR FURTHER ACTION		See Form PCT/IPEA/416																
International application No. PCT/IB2004/002436	International filing date (day/month/year) 01.07.2004	Priority date (day/month/year) 04.07.2003																	
International Patent Classification (IPC) or national classification and IPC F25D17/06, F25D23/00																			
Applicant ELECTROLUX HOME PRODUCTS CORPORATION N.V. et al.																			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> <i>sent to the applicant and to the International Bureau</i> a total of sheets, as follows:</p> <ul style="list-style-type: none"> <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. <p>b. <input type="checkbox"/> <i>(sent to the International Bureau only)</i> a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																			
<p>4. This report contains indications relating to the following items:</p> <table> <tbody> <tr> <td><input checked="" type="checkbox"/> Box No. I</td> <td>Basis of the opinion</td> </tr> <tr> <td><input type="checkbox"/> Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/> Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/> Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/> Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </tbody> </table>				<input checked="" type="checkbox"/> Box No. I	Basis of the opinion	<input type="checkbox"/> Box No. II	Priority	<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input checked="" type="checkbox"/> Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/> Box No. VI	Certain documents cited	<input checked="" type="checkbox"/> Box No. VII	Certain defects in the international application	<input type="checkbox"/> Box No. VIII	Certain observations on the international application
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Date of submission of the demand 24.01.2005	Date of completion of this report 26.08.2005																		
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Salaün, E Telephone No. +49 89 2399- 																		

**INTERNATIONAL PRELIMINARY REPORT
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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-29 as originally filed

Claims, Numbers

1-31 as originally filed

Drawings, Sheets

1/36-36/36 as originally filed

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. The amendments have resulted in the cancellation of:

- the description, pages
- the claims, Nos.
- the drawings, sheets/figs
- the sequence listing (*specify*):
- any table(s) related to sequence listing (*specify*):

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages
- the claims, Nos.
- the drawings, sheets/figs
- the sequence listing (*specify*):
- any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. IV Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees, the applicant has:
 - restricted the claims.
 - paid additional fees.
 - paid additional fees under protest.
 - neither restricted nor paid additional fees.
2. This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
 - complied with.
 - not complied with for the following reasons:
see separate sheet
4. Consequently, this report has been established in respect of the following parts of the international application:
 - all parts.
 - the parts relating to claims Nos. 1-7,10-21,23-31 .

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	20,21,23-27,30,31
	No: Claims	1-7,10-19,28,29
Inventive step (IS)	Yes: Claims	
	No: Claims	20,21,23-27,30,31
Industrial applicability (IA)	Yes: Claims	1-7,10-21,23-31
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

1. Lack of unity

The application contains the following groups of inventions:

- claims 1-7, 10-21, 23-29: system for supplying refrigerated air to a freezer or refrigerator cabinet;
- claim 8: frost-free system with heating cable and water-collecting part;
- claims 9 and 22: freezer and/or refrigerator cabinet with grooves provided on the door, on an inner wall and/or on a floor ducting part for improving the airflow;
- claims 30 and 31: freezer and/or refrigerator cabinet with a door provided with a holder for an ice cube container.

These groups of invention are merely linked by the following features:

"A refrigerated air supply system comprising an evaporator, a return ducting part, a fan, an air supply outlet and an air supply inlet".

However, such a system is already known (see for instance US-A-4 840 037 (document D1): evaporator 23, return duct 25, fan 31, air supply outlet 29 and air supply inlet (not shown)).

Hence, there is no technical relationship among those inventions involving one or more of the same or corresponding special technical features in the sense of Rule 13.2 PCT.

The requirement of unity of invention referred to in Rule 13.1 PCT is therefore not fulfilled.

2. As regards novelty and inventive step:

2a. The subject-matter of claim 1 is known from US-A-4 840 037 (D1; see in particular figure 3 and the description, column 3, lines 35-68), from FR-A-2 205 653 (D2; see figure 1) as well as from DE-A-195 42 978 (D3; see abstract and figures 3,4).

D1, for instance, discloses a refrigerated air supply system comprising an evaporator (23), a return ducting part (25), a fan (31), an air supply outlet (29) and an air supply inlet (not shown).

Claim 1 therefore does not meet the requirements of Article 33(2) PCT.

- 2b. The additional features of dependent claims 2-7, 10-19, 28 and 29 are also known from D1, D2 and/or D3 (see search report), so that these claims too do not meet the requirements of Article 33(2) PCT.
- 2c. The additional features of dependent claims 20 and 21 are known from US-A-6 240 739 (D4; see in particular figures 1-3 and description, from column 5, line 4 to column 6, line 12).

The additional features of dependent claims 23-27 are known from US-A-5 826 437 (D5; see in particular figures 2 and 3, together with the description at column 2, lines 3-6 and 46-49, and column 3, lines 52-54).

The additional features of dependent claim 30 are known from EP-A-0 881 441 (D6; see in particular figure 13).

The additional features of dependent claim 31 are known from EP-A-0 374 021 (D7; see in particular the abstract and figure 3) or from FR-A-2 583 859 (D8; see page 2, lines 19-40 and figure 1).

The subject-matter of claims 20, 21, 23-27, 30 and 31 would therefore be rendered obvious by a combination of D1 with D4, D5, D6, D7 and/or D8.

Hence, claims 20, 21, 23-27, 30 and 31 do not meet the requirements of Article 33(3) PCT.

3. Certain defects in the international application:

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Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in D1-D8 is not mentioned in the description, nor are these documents identified therein.